

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Brian T. Fabich
Holly A. Fabich
Debtor(s)

Bankruptcy Case No.: 20-21119-CMB
Per June 22, 2020 Proceeding
Chapter: 13
Docket No.: 22 - 7
Concil. Conf.: September 24, 2020 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 27, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 24, 2020 at 10:00 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: M&T Bank (Cl #8) .
- ☒ H. Additional Terms: First National Bank (Cl #3) governs as long term debt.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 24, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian T. Fabich
 Holly A. Fabich
 Debtors

Case No. 20-21119-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

Page 1 of 2
 Total Noticed: 37

Date Rcvd: Jun 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 26, 2020.

db/jdb
 cr +Brian T. Fabich, Holly A. Fabich, 340 Roberts Lane, New Castle, PA 16105-1326
 cr +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15223814 +American Education Services, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
 15235531 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 15223815 +Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
 15223816 +Bank of America, 4909 Savarese Circle, FL1-908-01-50, Tampa, FL 33634-2413
 15242996 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 15223818 +Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034,
 St Louis, MO 63179-0034
 15223822 +First National Bank, 4140 E State Street, Hermitage, PA 16148-3401
 15223823 +First National Bank of Omaha, Attn: Bankruptcy, Po Box 3128, Omaha, NE 68103-0128
 15234397 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, suite 100,
 Boca Raton, FL 33487-2853
 15223825 M&T Bank, Lending Services, PO Box 1288, Buffalo, NY 14210-2182
 15223827 +PNC Bank, Attn: Bankruptcy, Po Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
 15249381 +PNC Bank NA, Bankruptcy Department, PO BOX 94982, Cleveland, OH 44101-4982
 15223831 +Target, c/o Financial & Retail Svcs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475
 15238521 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 25 2020 04:57:29
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15223819 E-mail/Text: Bankruptcy.RI@Citizensbank.com Jun 25 2020 04:48:05 Citizens Bank,
 Firstmark Services, Attn: Bankruptcy, Po Box 82522, Lincoln, NE 68501
 15229235 E-mail/Text: Bankruptcy.RI@Citizensbank.com Jun 25 2020 04:48:05 Citizens Bank N.A.,
 One Citizens Bank Way, JCA115, Johnston, RI 02919
 15223828 E-mail/Text: Bankruptcy.RI@Citizensbank.com Jun 25 2020 04:48:05 RBS Citizens Cc,
 1 Citizens Dr., Ms: Rop 15b, Riverside, RI 02915
 15223820 +E-mail/Text: electronicbkydocs@nelnet.net Jun 25 2020 04:49:22
 Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
 15226433 E-mail/Text: mrdiscen@discover.com Jun 25 2020 04:48:08 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15223821 +E-mail/Text: mrdiscen@discover.com Jun 25 2020 04:48:08 Discover Financial,
 Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
 15223824 +E-mail/Text: AmandaM@GNCFCU.COM Jun 25 2020 04:50:26 Gnc Community Fcu, 201 S Jefferson,
 New Castle, PA 16101-3823
 15250012 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 25 2020 04:49:39 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15223817 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 25 2020 04:57:20 Chase Card Services,
 Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
 15246398 E-mail/PDF: resurgentbknotifications@resurgent.com Jun 25 2020 04:56:40 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15232727 E-mail/Text: camanagement@mtb.com Jun 25 2020 04:48:28 M&T Bank, PO Box 840,
 Buffalo, NY 14240
 15223826 +E-mail/Text: angela.abreu@northwest.com Jun 25 2020 04:48:02 Northwest Bank,
 Attn: Bankruptcy, Po Box 128, Warren, PA 16365-0128
 15224140 +E-mail/PDF: gecsedirecoverycorp.com Jun 25 2020 04:57:22 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15249553 +E-mail/PDF: gecsedirecoverycorp.com Jun 25 2020 04:57:19 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 15223829 +E-mail/PDF: gecsedirecoverycorp.com Jun 25 2020 04:57:19 Synchrony Bank/Care Credit,
 Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064
 15223830 +E-mail/PDF: gecsedirecoverycorp.com Jun 25 2020 04:56:27 Synchrony Bank/Lowes,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 15250311 +E-mail/Text: bncmail@w-legal.com Jun 25 2020 04:49:27 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 15223832 +E-mail/Text: BankruptcyNotice@upmc.edu Jun 25 2020 04:50:00 UPMC, 200 Lothrop Street,
 Pittsburgh, PA 15213-2536
 15244860 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 25 2020 04:56:41 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 20

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK

District/off: 0315-2

User: gamr
Form ID: 149

Page 2 of 2
Total Noticed: 37

Date Rcvd: Jun 24, 2020

15231884 ##+ASA, 100 Cambridge Street, Suite 1600, Boston, MA 02114-2518

TOTALS: 1, * 0, ## 1

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Transmission times for electronic delivery are Eastern Time zone.

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I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 26, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 24, 2020 at the address(es) listed below:

Bryan P. Keenan on behalf of Joint Debtor Holly A. Fabich keenan662@gmail.com,
melindap662@gmail.com
Bryan P. Keenan on behalf of Debtor Brian T. Fabich keenan662@gmail.com, melindap662@gmail.com
David W. Raphael on behalf of Creditor First National Bank of Pennsylvania
raphaeld@fnb-corp.com
James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 7